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**VIA ECF**

Honorable Katherine B. Forrest  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Brennan Center for Justice, et al. v. Dep't of Justice, et al., No. 17-cv-6335 (KBF)*

Dear Judge Forrest:

We represent Plaintiffs Brennan Center for Justice at New York University School of Law and The Protect Democracy Project. We write to respond to the Court's February 8, 2018 Order, Dkt. No. 43, which directs Plaintiffs to inform the Court whether the action is moot in light of the Court's order denying Plaintiffs' request for a preliminary injunction. Dkt. No. 42. Although the Court has fully resolved the timing of the government's document productions, the sufficiency of the government's responses under the Freedom of Information Act will remain unresolved until its document production is complete. *See* Am. Compl. ¶ 85, Dkt. No. 12 (alleging Defendants are in violation of the Freedom of Information Act for "unlawfully withholding records responsive to Plaintiffs' requests"). A live controversy is still present, and the lawsuit is not moot.

Plaintiffs agree with the procedure proposed by the government in its December 4, 2017 letter to the Court. Dkt. No. 31. After the Defendant agencies other than the Department of Homeland Security ("DHS") complete their document productions by March 31, 2018, the parties will confer to attempt to resolve any disputes regarding the sufficiency of the productions and applicability of any exemptions asserted. The parties can then submit a joint briefing schedule to address any unresolved issues shortly thereafter. The parties would then repeat this process for DHS after it completes its productions by July 31, 2018. The government agrees the action is not moot and should proceed as set forth herein.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Jeremy M. Creelan  
Jeremy M. Creelan

cc: Assistant United States Attorney Casey Kyung-Se Lee (via ECF)